

REMARKS

Reconsideration in view of the foregoing amendments and the following remarks is respectfully requested. Moreover, the Applicant has reviewed the Office Action of August 31, 2006, and submits that this paper is responsive to all points raised therein.

Status of the Claims

Claims 1-4, 6, 7, 10-17, 19-27, 29-34, and 49-53 are presently pending. Claims 1, 12, 22, and 31 have been amended.

Rejections Under 35 USC 103(a)

Reconsideration is requested of the rejection of claims 1-4, 6, 7, 10-17, 19-27, 29-34, and 49-53 under §103(a) as being obvious in view of the combined teachings French Patent 2597910 ("Pallard"), U.S. Patent No. 6,585,451 ("Wynings"), and U.S. Patent No 6,350,083 ("Paladeni").

The combination of these three references fail to teach or suggest any of the following elements present in the pending claims: (1) a cross bar including holder mechanisms for weights, the cross bar connecting the lateral members for receiving the roller, (2) the holder mechanisms extending from the cross bar, (3) the holder mechanisms for holding separate, adjustable sets of weights for weighting the roller in accordance with the tightness of the concrete; (4) the weight holders at oppositely disposed ends of the roller; (5) a pivotable handle connected to the cross bar. Moreover, one ordinary skill in the art would not combine the three different technologies described in Wynings, Paladeni, and Pallard to arrive at the present invention.

The Patent Office relies on Wynings for the alleged teachings of providing compaction roller with at least one retainer for weights. The Wynings reference can be readily distinguished from the present invention, as defined by the claims.

First, Wynings fails to teach or suggest a cross bar including holder mechanisms for weights, the cross bar connecting the lateral members for receiving the roller.

Wynings is directed to a hydraulically driven lawn roller comprising two, split rollers positioned side-by-side on the same axle 54 and capable of rotating independently of one another, such that the lawn roller device can make zero radius turns. The single weight rack 38 of Wynings is positioned in front of the frame 16 of the split drum roller 10 of Wynings. See Column 3, Lines 17-19. The frame 16 has a central platform on which engine 20 is supported. The frame 16 also includes the axle 54 for rotation of its rollers.

Wynings does not attach its weight rack 38 to a portion of its device analogous to a cross bar. Instead, the weight rack 38 is attached to the front of the frame 16. As such, Wynings fails to teach or suggest a cross bar including holder mechanisms for weights, the cross bar connecting the lateral members for receiving the roller.

Second, Wynings fails to teach or suggest holder mechanisms extending from the cross bar.

The weight rack 38 does not extend from the frame 16 of Wynings. The weight rack 38 is parallel to the rollers 12 and 14 and parallel to the frame 16. In stark contrast, the weights of the present invention are stacked in a vertical manner perpendicular to its roller since the holder mechanisms extend from the cross bar. As such, Wynings fails to teach or suggest the holder mechanisms extending from the cross bar.

Next, Wynings fails to teach or suggest weight holders for holding separate, adjustable sets of weights.

The Wynings apparatus includes a single weight rack 38, which is in a parallel position to the length of both rollers. Weights are mounted horizontally along the length of the weight rack 38, up to the entire length of the weight rack 38. Wynings simply fails to teach or suggest separate sets of weights. The Wynings device is presumably weighted in this manner because of the nature of the different soil surfaces on which it is used. Analogously, the present invention is quite deliberately weighted at its ends in order to accommodate the various degrees of tightness encountered when working wet concrete. Thus, the two weighting mechanisms are hardly interchangeable. As such, Wynings fails to teach or suggest weight holders for holding separate, adjustable sets of weights.

Further, Wynings fails to teach or suggest isolating weights at its oppositely disposed ends.

As described above, the Wynings apparatus includes one weight rack 38, which is in a parallel position to the length of both rollers. Weights are mounted horizontally along the length of the weight bar, up to the entire length of the weight bar. The present invention includes separate, adjustable sets of weights to allow the roller to be adjustably weighted at the ends of the roller. The Wynings device includes one horizontal weight bar for mounting weights along the length of the roller, forming a continuous set of weights. Thus, the Wynings device includes a single horizontal weight bar and not separate retainers positioned at opposite ends of the roller to hold weights at opposite ends of the roller. As such, Wynings fails to teach or suggest isolating weights at its oppositely disposed ends.

Further, Paladeni fails to teach or suggest mounting the handle to the cross bar connecting to the lateral members for receiving the roller. The Patent Office relies on Paladeni for the alleged teachings of providing a pivotable handle. The Paladeni reference can be readily distinguished from the present invention, as defined by the claims.

The control handle 24 of Paladeni is mounted to the plates 22, 20 of the screed 14 of the Paladeni device. Screeds are used to smooth wet concrete after it has been poured into forms. The strike tube 16 and drive tube 18 roll on the concrete forms to smooth and remove excess concrete.

Paladeni fails to teach or suggest mounting the handle to the cross bar connecting to the lateral members for receiving the roller. There is no cross bar in Paladeni connecting both ends of a roller. Moreover, the control handle 24 is not pivoted in a manner analogous to the present invention, instead, the control handle 24 is rotated outboard of the screed 14. See column 4, Lines 13-17. The handle of the present invention pivots in a plane perpendicular to the roller, which is needed in reversing the direction of the roller.

Finally, one ordinary skill in the art would not combine the three different technologies described in Wynings, Paladeni, and Pallard. The subject matter of a claim is prima facie obvious in view of particular references if the Office can demonstrate that (1) the references, alone or together, describe every element of the claims, (2) there is some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to combine the references, and (3) there is some reasonable expectation of success.

The Patent Office submits that one of ordinary skill in the art would combine these three references. On the contrary, the Wynings, Paladeni, and Pallard all teach distinct technologies,

and Applicant respectfully submits that there is no motivation or suggestion to combine Wynings (soil roiling) with Paladeni (screed for smoothing concrete) and Pallard (roller for decorating concrete).

The Wynings reference includes a zero radius turning feature, which is significant in the field of lawn care, as it enables an operator to readily turn the heavy device without damaging the lawn. The Wynings reference does not contemplate applications to concrete at all. The Wynings reference is directed to an apparatus for rolling down soil (in preparation for laying down a new lawn) or rolling flat an existing lawn. As such, the rollers of the Wynings' apparatus do not include stamps for imparting patterns onto a surface. Furthermore, there is no suggestion or motivation to combine the Pallard patent with the Wynings patent, which involves rolling earth or soil flat.

Wynings fails to teach or suggest adding weights to a cross bar or a receiver position analogous to any structure in Pallard or the present invention. The weight rack 38 and the frame 16 are wholly different than the cross bar or receiver portion of the present invention. Concrete stamping and soil rolling or flattening are two distinct arts: the Wynings patent does not so much as mention concrete let alone discuss any art relevant to stamping concrete. Soil rolling or flattening is not done for the purpose of imparting a texture or a pattern in the soil.

In a related vein, because imparting patterns into concrete and soil rolling are so distinct from each other, there is not a reasonable expectation of success in combining these two references. There is no reasonable expectation that the combination of the lateral system of weights disclosed in the Wynings patent, with its application in soil rolling, and the device of the Pallard patent, with its application in the embossing of the surface of concrete, would be successful in stamping patterns into wet concrete of varying tightness.

Thus, for the reasons stated above, taken collectively, the Pallard, Wynings, and Paladeni references do not disclose or suggest every element of the above-listed claims.

Respectfully submitted,

POLSINELLI SHALTON FLANIGAN SUELTHAUS PC

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/Brian B. Dickhoff/

Brian B. Dickhoff, Reg. No. 46,353
100 South Fourth Street, Suite 1100
St. Louis, Missouri 63102
Tel: (314) 889-8000
Fax: (314) 231-1776
Attorney for Applicant
uspt@polsinelli.com